

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

James R. Preston,

Plaintiff,

v.

Case No. 2:16-cv-129

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the December 9, 2016, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge recommended that the court remand this case to the Commissioner for further proceedings under 42 U.S.C. §405(g), sentence four.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation *de novo* and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 14, p. 14. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 14). The plaintiff's statement of errors is sustained to the extent that this case is remanded to the Commissioner under §405, sentence four, for further proceedings in

accordance with the report and recommendation. The clerk is directed to enter judgment remanding this case to the Commissioner.

Date: January 3, 2017

s/James L. Graham
James L. Graham
United States District Judge